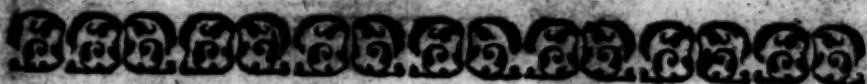


Spain Philip V, King

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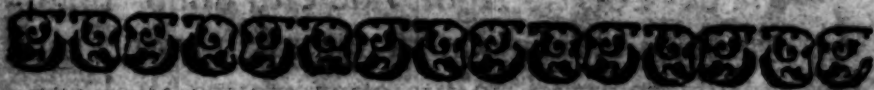


H I S

CATHOLICK Majesty's Conduct

Compared with that of

His Britannick Majesty, &c.





COOTEJO

DE LA CONDUCTA

DE S. M.



AUNQUE en la declaracion de Represalias de 20. de Agosto de este anno, manifestó el Rey con su natural, y propia moderacion la rectitud de sus operaciones, y el contrario indecoroso proceder de Ingleses, en el mismo Acto celebrado en Londres en ¹⁹/₂₁ de Julio; oy, que provoca de nuevo aquella Corona à S. M. con mayores inyecciones, y no menos débiles apoyos, en la publicacion de Guerra de ¹⁹/₃₀ de Octubre proximo pasado: se hace preciso el descubrir à la Europa la diferencia, que media entre una, y otra razon, para que examinada por el juicio imparcial de los que apetecen la quietud publica, no se atribuya maliciosa, ò ig-

no-



H I S

Catholick Majesty's Conduct,

&c.



ALTHO' in the Declaration of Reprisals of the 20th of *August* of this Year, the King with his natural innate Moderation, did manifest the Justice of his Actions, and the contrary indecent Proceedings of the *English* in the like Act, issued at *London* on the ¹⁰₂₁ *July*; yet since the said Crown doth a new provoke his Majesty by still stranger Invectives, and no less weak Arguments, in the Declaration of War of the ¹⁹₃₀ of *October* last past; it is necessary to lay open to all *Europe*, the Difference there is between the Arguments of the one and the other: To the End, that being examined by the impartial Judgment of those that have the publick Tranquillity at Heart, neither the Cause of this Rupture, nor the dreadful

norantemente à las Armas Españolas, ni el origen de este rompimiento, ni los lastimosos irremediables efectos, que amenazan con errada política à la Christiandad.

La primera causa, que exagera el Rey Britanico, como impulsiva à declarar la Guerra, se reduce à una suposicion general, sin hechos determinados, ni sennas individuales, contra los Guarda-Costas Españoles de la America; atribuyendoles presas injustas, con violacion de los Tratados, y del Derecho de las Gentes, tratamientos barbaros, y crueles, insultos ignominiosos al Pavellon Inglés: y à S. M. no aver oido sus continuos recursus, ni reparado en ningun modo sus quejas.

Este grito, que se abulta con execraciones, para que ne desdiga la voz del Monarca de la altivez, y viciado espiritu de aquella Plebe; so levanta tambien tan sin medida para confundir los mas justos clamores de los Españoles, oprimidos largo tiempo hà con verdaderas pyraterias, persecuciones, y atrocidades; pero llega ya el caso de no ocultar con la tolerancia, ni el dissimulo estos hechos; y entre tantos, como claman por satisfaccion, se referiràn algunos, que sin admitir disputa, estan por notoriedad, y plena justificacion ca-
li-

ful unavoidable Effects, which by a mistaken Policy threaten Christendom, may be maliciously or ignorantly imputed to the *Spanish* Arms.

The first Cause, which the *British* King exaggerates as inducing him to declare the War, is reduced to a general Supposition, without any alledged Facts, or concomitant Proofs, against the *Spanish Guarda Costa's* in *America*, charging them with unjust Depredations; with the Violation of Treaties and Law of Nations; with barbarous and cruel Treatment, and ignominious Insults of the *English* Flag; and his Majesty with not having given Ear to the continual Representations, nor any ways redressed his Complaints.

This Clamour, which is filled up with Execrations, that the Voice of the Monarch may not contradict the Haughtiness and depraved Mind of that Nation, is raised beyond Measure, to confound the more just Complaints of the *Spaniards*, that have been oppressed for a great while with real Pyracies, Persecutions and Cruelties: But now the Time is come not to conceal those Facts any longer with Patience and Sufferance. Among so many that call for Satisfaction, but some few shall be mentioned, which, without admitting any Dispute, are notorious, and proved by plain Justification;
to

lificados, para que se evidencie lo que ha sufrido la España, solo por no llegar à las extremidades de una Guerra.

En los annos de 1716. y 1717. dos Capitanes Cuthbert, y Archer, del Baxel Pompey Galli y el Vergantin la Fortuna autorizados por el Rey Britanico, fueron por la Costa de la Florida, à recoger quanto pareciesse de los Galeones naufragados en aquel parage; y juntos con los que ya se hallaban alli de Jamayca à practicar una igual violencia, no solo ahuyentaron hostilmente à los Espagnoles, que baxo las seguridades de la Paz, y del legitimo derecho de su Soberano à que los caudales, trabajaban en sacar à tierra, lo que le pertenecia; sino que saltando en ella con seiscientos hombres, y muertos treinta de los ciento y veinte, que guardaban lo ya redimido del Mar, robaron cerca de quattrocientos mil pesos, sin mas disfraz, que el de su codicia, que aun no faciada con una cantidad tan exorbitante, se repitiò en su buelta à Jamayca en la aprehension de dos Embarcaciones con Cacao, Cochinilla, y dinero, de valor de mas de treinta mil pesos; como si les fuera licito para la execucion, todo lo que se antojasse por util à su voluntad.

No menos estranno, y violento es lo acaecido el anno de 1722. Apresaron Ingleses una Em-

to the End that it may evidently appear, what *Spain* has suffered, only to avoid the Extremity of a War.

In the Years 1716 and 1717, two Captains, *Cuthbert* and *Archen* of the Ship called, *The Pompey Galley*, and the Brigantine called, *The Fortune*, being authorized by the *British* King, went to the Coast of *Florida* to search for what was left of the Galleons, that were lost at that Place, and joining with those that were there from *Jamaica* to exercise the like Violence, not only in a hostile Manner did frighten away the *Spaniards* that under the Security of Peace, and the legal Right of their Sovereign to those Effects, did strive to save on Shore what belong'd to the same, but also landing with six hundred Men, and having kill'd thirty of the one hundred and twenty that guarded what was already secured out of the Sea, did rob about Four hundred thousand Pesoes, without any other Pretence, but that of their Greediness; and not being satisfied with such an exorbitant Sum, they did repeat the same in their Return to *Jamaica*, by taking two Vessels with Cocoa, Cochineal and Money, to the amount of above thirty thousand Pesoes, as if they were at Liberty to execute all they fancied consisting with their Pleasure.

No less strange and violent was what happen'd in the Year 1722; the *English* took a
B
Ship

Embarcacion de Puerto-Rico con Patente de su Governador, y conducida à Jamayca, sin presuponer otra culpa, que la de fer Guarda-Costas, ahorcaron con inaudita resolucion quarenta y tres hombres del equipage ; publicando para autorizarla, que tan levantado era el Governador como ellos : nueva ley, que inventò el enganno para honestar la tyrania, y ley no impuesta hasta aora por Nacion alguna, de las que conocemos arregladas à los preceptos de la naturaleza, y de la equidad.

Este barbaro exemplo de tratar en la Paz à los Espagnoles en una Colonia como Jamayca, con mas inhumanidad, que à los mas detestables enemigos, le siguiò un Capitan Inglès, de los que insidian no menos con el trato illicito, que con sus impiedades, nuestras Costas. Atraxo al bordo de su Navio, con pretexto de comerciar, à dos Espagnoles de no comun distincion y concibiendo mas ganancia con las personas, que en el trato, para reducirlos al rescate, que los propuso, los dexò dos dias sin alimento alguno ; y à vista de que no lograba por el martyrio del hambre lo que apetecia, cortò al uno orejas, y narices, y con el pugnàl al pecho, le forzó à comerlas : atrocidad, que horroriza à la memoria, y que no es menester ponderarla para que irrite.

Antes

Ship of *Porto Rico*, provided with a Patent of the Governor, and being carried to *Jamaica*, without alledging any other Crime but that she was a *Guarda Costa* they did hang, with an unheard of Resolution, Forty-three Men of the Ship's Crew, giving out, in order to authorise the same, That the Governor was as bad as they; a new Lesson which Fraud invented to make Tyranny look honest, and a Proceeding which to this Day never has been practised by any Nation, of those which we acknowledge to be sway'd by the Precepts of Nature and Equity,

This barbarous Example, to treat the *Spaniards*, during the Time of Peace, in such a Colony as *Jamaica*, with more Inhumanity than the most detestable Enemies, was follow'd by an *English* Captain, of those that infest our Coasts, no less by an illicit Trade than by their Wickedness. He enticed on board of his Ship, under the Pretence of Trading, two *Spaniards* of no common Distinction, and thinking there would be more Gain by the Persons than by Trade, in order to force them to a Ransom which he propos'd to them, he left them without any Nutriment at all; and seeing that, by the Tyranny of Hunger, he did not attain what he aim'd at, he cut off the Ears and Nose of one of them, and putting a Dagger to his Breast, forc'd him to eat the same; a Cruelty, the thinking whereof gives a Horror; and which does not require much Consideration to be provok'd at it.

Before

Antes de declararse la Guerra en el anno de 1727. inducido sin duda de aquel espíritu de odiosidad, y rencor, que predomina en la Nacion Britanica contra la Espagnola, especialmente en la America; se introduxo un Inglés en un Navio del Asiento, para concitar los Negros de la Havana, y persuadirlos la mas terrible sublevacion; ofreciendoles como prémio la libertad si unidos para la execrable perfidia, que les aconsejaba, saqueassen aquel Pueblo, y degollassen sus moradores: intento tan criminoso, que passaria por inverosimil si la notoriedad, y los testimonios que le confirman, no acreditassén su certidumbre.

Pero aun mas delinquentes arbitrios han buscado los Ingleses, para intimidar à los Espagnoles, con el fin de que no se opusiesen à su continuo ilícito comercio: vendiendolos en repetidas ocasiones por Esclavos, ya en distancias donde no alcanzasse à reclamarlos la noticia de su miserable destino, y ya en otros parages, donde acaso los conduxo la ceguedad de su culpa, porque no quedasse ignorado un proceder tan enorme; como sucedió el anno de 1725. en la Isla de la Madera con ocho infelices de que dio aviso el Consul de Espagna, que alli reside, y cuya libertad pidió nuestro Embaxador en Lisboa à aquel Soberano.

Si

Before the War was declared in the Year 1727, being without doubt, induced by that Spirit of Hatred and Rancour, which is predominant in the *English* Nation against *Spain*, especially in *America*, an *Englishman* introduced himself into an *Affiento* Ship, in order to raise the Negroes at the *Hawanna*, and to persuade them to a most terrible Insurrection, offering them Liberty for a Reward, in case they, being united for that execrable Perfidy, he exhorted them to, should plunder the Place and put to Sword the Inhabitants; an Intention so criminal, that it would pass for improbable, if Notoriousness and the Witnesses that confirm the same, did not attest the Truth thereof.

Yet the *English* have practis'd still more enorm Ways, to intimidate the *Spaniards*, that they might not oppose their continual illicit Trade, by selling them several Times for Slaves, some Times in distant Places, from whence the Knowledge of their miserable Destiny could not be had to relieve them, at other Times in other Places, where they were drove by the Blindness of their Crime, to the end that their enormous Proceedings might not be kept concealed; as it happened in the Year 1725, in the Island of *Madeira*, with eight poor Wretches, whereof the *Spanish* Consul who there resided, gave Information, and whose Liberty our Ambassador at *Lisbon*, did request from that Sovereign.

In

Si estos sucesos, y otros iguales, que se omiten, pudieran alegarlos los Ingleses, es cierto, que justificarian su declaracion de Guerra; pero las presas executadas en los que comercian illicitamente, (verdad, que aun sus mismos Autores califican, pues señalan seis millones anuales de ganancia en este trafico) y el repeler con la fuerza, a los que intentan con las armas, apoyar sus fraudulentas introducciones, ni merecen el baldon con que se enuncian, ni son bastantes para el estrepito que se publica; antes bien la Inglaterra misma debiera sostener estos procedimientos, como obligada por el Artículo VIII. del Tratado de Utrecht, à garantir las Leyes fundamentales del Reyno, que prohiben à los Estrangeros la entrada, y trato en nuestros Mares, y Dominios de la America. Tienen, por ventura, los Ingleses algun pacto que alegar, para que les dexen impunemente los Espagnoles desamparadas las Costas, y desier tos los Golfos, a fin, de que el enjambre de sus Baxeles vaya libre, y sin obstaculo à chupar sus Minas? No ay Tratado que tal consenta, ni el Derecho de las Gentes, con que tanto claman, se estienda à estas amplitudes. Han ido acaso los Espagnoles con violacion del sagrado de la Paz, à inquietar sus Colonias, à inundar con clandestino trato sus plantaciones, ni à robar sus frutos, o sus haberes? Pues en que se fundan estas queexas? No se puede

In Case such, or the like Instances which are passed by, could be alledged by the *English*, it is certain that then they could justify their Declaration of War; but the Prizes that were taken from those that carried on an illicit Trade (a Truth which their Authors themselves do confess, making the Gain of that Trade to amount to six Millions a Year) and the repelling by Force, those that endeavour by Dint of Arms to protect their fraudulent Attempts, do not deserve the affronting and abusive Language wherewith they are alledged, nor are sufficient to justify the Noise wherewith they are publish'd. *England* herself should much rather put a Stop to such Proceedings, as she is oblig'd by the VIIIth Article of *Utrecht* to guarantee the fundamental Laws of the Kingdom, which forbid Strangers the Entry and Trade into our Seas and Dominions of *America*. Have the *English* perhaps, any Contract to alledge, whereby the *Spaniards* are obliged to leave their Coasts free to them without Defence, and their Bays open, that the Swarm of their Ships may pass free and without Opposition to suck their Mines? There is no Treaty that authorises this, neither the Law of Nations, which they so much boast of, extends it self to such a length. Are the *Spaniards*, perhaps, in Violation of a sacred Peace, gone, to insult their Colonies, to over-run their Plantations with a clandestine Trade, or to rob their Produce or Effects? Such

puede, no, imputarles con justicia este borron; pues siempre que se ha reconocido en las presas hechas por los Guarda-Costas la falta de aquellos requilotos necesarios à su validacion, se han mandado restituir à sus duennos; de que se infiere, que quanto en la America se ha obrado, dimana del desenfreno de los Ingleses, y no de ofensa procurada por los Espagnoles.

Otro de los motivos, que pondera el Rey Britanico en su Manifiesto, y publicacion de Guerra, se deduce de la absoluta libre Navegacion en los Mares Americanos; suponiendo à los Espagnoles primer movil de esta disputa, y callando aver sido los Plenipotenciarios Ingleses los que comenzaron à agitarla en las Conferencias, que dimanaron de la Convencion de 14. de Enero de este anno, y se tuvieron en Madrid. No es justo renovar ahora la question, por no hacer de este Papel un Alegato; pero no debe tampoco omittirse, el publicar, para desenganno de la Europa, que las pretensiones de S. M. no exceden ni en un apice del literal sentido del propio Tratado de 1670. que decanta el Rey Britanico, infringido por esta Corona; y que, ò resulta del, que la Navegacion en los Mares de America es con

cortissima

a Blot can never justly be laid to their Charge ; for at all Times, when it was found in Respect of the Prizes made by the *Guarda Costa's*, that the necessary Requisites to prove their Validity were wanting, they have been ordered to be delivered back to the Owners. From whence it follows, that what has been done in *America*, derives from the Licentiousness of the *English*, and not from any Offence given by the *Spaniards*.

Another of the Motives which the *British* King alledges in his Manifesto and Declaration of War, is taken from an absolute and free Navigation in the *American* Seas ; supposing the *Spaniards* to be the first Authors of this Dispute, and passing by with Silence that it were the *English* Plenipotentiaries that stated the same in the Conferences upon the Convention of the 14th of *January* of this present Year, which were held at *Madrid*. It is not fit here to renew the said Dispute in this Place, in order not to make this Paper a heap of Allegations : Yet we cannot omit neither, to declare, in order to undeceive *Europe*, that the Pretensions of his Majesty did not exceed in the least, the literal Sense of the very Treaty of 1670, which the *British* King alledges to be violated by this Crown ; and that it either follows from thence, that the Na-

C
vigation

cortissima diferencia tan libre como en los de Europa ; ò que lo propuesto por los Plenipotenciarios Ingleses en la Conferencia de 25. de Junio es destructivo de la mente, y tenor de aquel Tratado, y del Artie. VIII. del de Utrecht que se citò arriba. Y para que lo juzgue el Mundo, mientras las armas lo diciden, se pondrà aqui à la letra el referido Papel, y reconoceràn, los que sin preocupacion le examinen, y cotejen, quien ha pedido con voluntariedad, è indeterminadamente, sin atencion à pactos, ni ofertas; y quien se ha arreglado con estricta religiosidad à uno, y otro.

“ En consecuencia de la resolucion tomada
 “ por los Plenipotenciarios respectivos en la
 “ Conferencia que se tuvo en 17. de este mes,
 “ los de S. M. se applicaràn en este Memorial
 “ al unicamente al punto de la Navegacion en
 “ los Mares de la America. Y por quanto se
 “ ha reconocido por una, y otra parte en ell
 “ preambulo de la Convencion, que la Visita,
 “ sondeo, y toma de Baxeles, embargo de
 “ Efectos, &c. de algunos años à esta parte
 “ han dado lugar à disputas gravissimas entre
 “ las dos Coronas de la Gran Bretagna, y
 “ Espagna y que por el primer Artículo de
 “ dicha Convencion se ha estipulado, que se
 “ nombraràn Plenipotenciarios de una, y otra
 “ parte

vigation in the *American Seas* is within a Trifle as free as in those of *Europe*, or that, what was proposed by the *English* Plenipotentiaries in the Conference of the 25th of *June* is destructive to the Sense and Tenor of the said Treaty, and of the VIII. Article of that of *Utrecht* above mentioned. And that the World may judge whilst the Arms do decide it, we will mention here the very Words of the said Paper, and those that examine and consider the same impartially, shall see, who has demanded Things by mere Will, and indeterminately, without giving Attention to Treaties and Offers, and who has strictly and religiously comply'd with the one and the other.

‘ Pursuant to the Resolution taken by the Respective Plenipotentiaries, in the Conference held on the 17th of this Month; Those of his Majesty will only apply themselves in this Memorial, to the Point of Navigation in the *American Seas*. And whereas, it is acknowledged of the one and of the other, in the Preamble of the Convention, that the searching, visiting and taking of Ships stopping Effects &c. for several Years ago, have given Cause to very great Disputes betwixt the Crowns of *Great Britain* and *Spain*, and whereas by the first Article of the said Convention, it has been stipulated that Plenipotentiaries should be appointed by the one and the

„ parte, para hallar el medio de prevenir seme-
 „ jantes motivos de quexa en adelante, y alex-
 „ ar absolutamente, y para siempre, todo lo
 „ que pudiese dar ocasion a ellas: los Pleni-
 „ potenciarios de S. M. para cumplir quento
 „ de ellos dependa, las obligaciones en que
 „ estan empenados por el empleo que les ha
 „ sido confiado, y conformarle a las intencio-
 „ nes de su Soberano; es a saber, de mante-
 „ ner la antigua amistad, tan apetecible, y ne-
 „ cessaria por el interes reciproco de las dos
 „ Naciones, previniendo de una vez para todos
 „ los injustos robos, presas, y embargo de Ba-
 „ geles, y Efectos de los Vassallos de S. M. en
 „ la America, como tambien todas las cruel-
 „ dades que se han executado, respecto de sus
 „ personas: proponen, que el Tratado que se
 „ haya de hacer sea declarado, y convenide; que
 „ como por el Artic. XV. del Tratado de 1670.
 „ fue estipulado lo que se sigue: *Este Tratado*
 „ *no derogara las Prebeminencias, Derechos,*
 „ *y Dominios, que qualquiera de las Partes*
 „ *Confederadas tenga en los Mares de America,*
 „ *Estrechos, y qualesquiera Aguas; antes bien*
 „ *todo esso lo posean, y retengan con la misma*

am-

' the other Party, to find out a Mean, to pre-
 ' vent hereafter the like Causes of Complaint
 ' and absolutely and for ever to remove, what-
 ' soever may give any Occasion for the same.
 ' The Plenipotentiaries of his Majesty, to com-
 ' ply, as far as it depends from them, with
 ' those Obligations they are charged with to
 ' execute what they are intrusted with, and
 ' to conform themselves to the Intentions of
 ' their Sovereign that is to say, to maintain
 ' the old Friendship which is so desirable and
 ' necessary, for the reciprocal Interest of the
 ' two Nations, by preventing at once and for
 ' ever all illegal and unjust seizures, prises and
 ' stopping of the Ships and Effects belonging
 ' to his Majesty's Subjects in *America*, as also
 ' all other Cruelties that have been practised
 ' against their Persons, do Propose, that in the
 ' Treaty, which is to be made it shall be
 ' declared and mention'd. That, whereas in
 ' *Art. XV.* of the Treaty of 1670, it is sti-
 ' pulated, as follows:

' *This Treaty shall not derogate from the*
 ' *Prebeminences Rights and Dominions which*
 ' *any one of the Confederate Parties may pos-*
 ' *sess in the American Seas, Streights or any*
 ' *other Waters. They shall rather possess all the*
 ' *same, and keep and retain with the same*
 ' *Extent*

„ amplitud, que por Derecho les compete. Pero
 „ tengase entendido siempre, que de ninguna
 „ manera se debe interrumpir la libertad de Na-
 „ vegar, con tal que nada se cometa, o peque
 „ contra el legitimo sentido de estos Capítulos. Que
 „ para explicar mas claramente dicho Articu-
 „ lo, y assegurar tanto mejor la libertad de la
 „ Navegacion, que en él está estipulada, se
 „ ha convenido, y declarado, que no es,
 „ ni será de ninguna fuerte permitido à algun
 „ Bagel de Guerra, perteneciente à la una,
 „ ò la otra de las dos Potencias, ò Armador,
 „ asistido de Poderes, ò Comission de parte
 „ del uno, ò del otro de los dos Soberanos
 „ Contratantes, ò de la de algun Governa-
 „ dor, ò otro Oficial autorizado de una, ò
 „ otra parte, para dar comissiones; ò en fin,
 „ à algun Navio, ò Embarcacion pertenci-
 „ ente à la una, ò la otra de las dos Naci-
 „ ones, detener, embargar, arrestar, visitar,
 „ ò examinar en Mar los Bagels, ò Em-
 „ barcaciones pertenecientes à Vassallos de
 „ las dos Naciones respectivas, en los Mares
 „ de la America, baxo de qualquier motivo,
 „ ò pretexto que ser pueda.
 „ Que además sea convenido, que si a-
 „ conteciere que algun Bagel autorizado por
 „ la una, ò la otra de las dos Coronas, para
 „ prevenir el Comercio illicito, ò empleado por
 „ qualquier otro motivo, que ser pueda, ò au-
 „ to-

' Extent as it by Right belongs to them. Pro-
 ' vided however always that the Freedom of
 ' Navigation shall be by no means interrupted
 ' so that nothing shall be done or committed
 ' against the true Sense of these Articles:
 ' For the clearer Explanation of the said Ar-
 ' ticle, and to secure the better the Liberty of Na-
 ' vigation, which is stipulated therein, it has been
 ' agreed upon and declared that it not is, nor
 ' in any ways shall be permitted to any Man
 ' of War, belonging to the one or to the other
 ' of the two Powers, nor to any Ship of Force,
 ' provided with any Power or Commission from
 ' any one or other of the two Contracting
 ' Sovereigns, nor from any Governor or other
 ' Officer authorised by the one or the other
 ' Party to grant and give Commissions, nor
 ' in short to any Ship or Vessel belonging to
 ' one or the other of the two Nations, to de-
 ' tain, stop, stay, search or examine at Sea the
 ' Ships or Vessels of the two respective Nations,
 ' in the Seas of *America* under what Colour or
 ' Pretence soever.

' That it further shall be agreed, that if it
 ' should happen that any Vessel by the one or
 ' other of the two Crowns should be com-
 ' missioned, to prevent an illicit Trade, or be
 ' appointed for any other Purpose whatsoever,

or
 para impedir otro motivo, que sea pue-
 de prevenir el Comercio illicito, o empleado

„ torizado de una Comission de parte de algun
 „ Governador, sea Ingles, sea Espagnol, en las
 „ Indias, llegasse à arrestar, embargar, detener,
 „ visitar ò examinar qualquier Navio, ò Em-
 „ barcacion, sea perteneciente à Vassallos de
 „ la una ò la otra de las dos Coronas, en los
 „ Mares de la America, se hará una entera
 „ restitucion de los tales Bageles, y Efectos,
 „ como tambien una amplia reparacion de
 „ todos los danos padecidos. Y que el Ca-
 „ pitán, ò Comandante del Bagel, que huvi-
 „ esse cometido semejante acto de violencia,
 „ será privado de su Comission, y nunca mas
 „ empleado en el servicio marítimo de la Co-
 „ rona, cuyo Vassallo fuesse. Y que si pa-
 „ reciesse por pruebas autenticas, que algun
 „ Governador, sea Ingles, se Espagnol, en la
 „ America, huviesse concedido Poderes, ò Co-
 „ misiones à algun Armador para atajar, em-
 „ bargar, detener visitar ò examinar en Mar
 „ las Embarcaciones de una ò otra parte, el
 „ tal Governador será privado de su empleo, y
 „ nunca mas empleado en servicio de la Co-
 „ rona, de quien fuesse Vassallo.

„ Estas proposiciones son de tal suerte con-
 „ formes a la mente, y letra del Tratado de
 „ 1670. reconocido de una, y otra parte por
 „ regla, por la qual deben ser decididas todas
 „ las

or if she be authorised by Commission of or
 from any Governor be he *English* or *Spanish*
 in the *Indies*, should come to seize, stop,
 detain, search or examine any Ship or Vessel
 belonging to the Subjects of any one or other
 of the two Crowns, in the *American* Seas;
 a full and entire Restitution of such Vessels
 and Effects shall be made, as also an ample
 Reparation for all the Damages sustained;
 and that the Captain or Commander of the
 Ship, that shall have committed such an Act
 of Violence, shall be deprived of his Com-
 mission, and never be more employed in the
 Sea Service of that Crown whose Subject
 he is. And if it should be found by authen-
 tick Proofs that any Governor be he *English*
 or *Spanish*, in *America*, has granted Powers
 or Commissions to any arm'd Vessel to cut
 of the Passage, stop, detain search or exa-
 mine at Sea, any Ship or Vessel of the one
 or the other Party; such a Governor shall be
 deposed from his Place, and never more be
 employed in the Service of that Power whose
 Subject he is.

* These Proposals are so much conform to
 the Sense and Letter of the Treaty of 1670,
 which is acknowledged by the one and the
 other Party as a Rule, whereby all the Dispu-

„ las disputas, que miran à la America, que
 „ no se sabria dudar, que los Señores Pleni-
 „ potenciarios de S. M. C. no esten convenci-
 „ dos, de que nada hay mas justo razonable,
 „ ni propio, para prevenir todors los incon-
 „ venientes, de que en lo pasado se han quax-
 „ ado, que lo que se acaba de proponer sobre
 „ la materia de que se trata., Fecho en Ma-
 „ drid en 25 de Junio de 1739.

Produce tambien el Rey Britanico por causa
 de la Guerra, el aumento de derechos sobre
 las Mercancias de sus Subditos; y aunque re-
 niendo reconocido la misma Inglaterra, en sus
 Tratados, ser este un efecto de la Soberania;
 y especialmente en el de 1667. con el Rey
 de Dinamarca sobre los Dacios del Sund, no
 era necesario tocar con mayor extension esta
 materia: se remitira tambien à las actas de su
 Parlamento el cotejo de esta quexa, para que
 vistas alli las innovaciones practicadas en todos
 tiempos, se reconozca, que, ò ha de faltar la
 reciproca entre los Reyes, ò que no faltando,
 se convence de infundado, y mendigado este
 pretexto, ò bien que del mismo modo, que in-
 tento alguna vez la Inglaterra arrogarse el do-
 minio del Mar Britanico, por la sola casuali-
 dad del nombre, pretenda aora prerrogativas,

tes; that concern *America*, are to be decided,
 that there is no Doubt, but the Lords Plenipotentiaries of his C. Maj. are convinced,
 that nothing is more just, reasonable nor fit,
 to prevent all Inconveniences, whereof heretofore Complaints have been made, wherewith they conclude what they have to propose to this Point, which is now under Consideration. Done at *Madrid*, June 25, 1739.

The *British* King doth likewise alledge one of the Motives for a War, the Augmentation of the Duties on the Goods of his Subjects. And altho' *England* herself has acknowledged in her Treaties that this is the Effect of Sovereignty, and especially in that of 1667, with the King of *Denmark* concerning the Duties in the Sound, it is needless to enlarge further upon this Subject, yet let him to find a Parallel of this Complaint, view the Acts of his Parliament, to the End that having found these Innovations practised there at all Times, he may consider, that there must be either no equality between Kings, or if there be, he will be convinced of the Insufficiency of his Pretence. Or it may be that after the like manner, that as *England* once did arrogate to herself the Dominion of the *British* Sea, only by accidentally having the same Name, she may now perhaps pretend Prerogatives and Exemp-

y exempciones entre los Soberanos, por el unico fundamento de su altivez, y antojo.

Ponderase no menos por causa de la Guerra, el haver publicado las Represalias en estos Reynos, y pasado à su execucion, sin assignar termino; y siendo, como es notorio, que las publicò primero el Rey Britanico en ¹⁰/₂₇ de Julio, que inmediatamente se detuvieron alli tres Naves Vizcaynas, no obstante el clamor de los Interesados, y que las del Almirante Haddock, puestas en los Cados de Santa Maria, y San Vicente apresaron otras: no se alcanza, que obligacion liga a S. M. que no reconoce en si el Rey Britanico; ni que privilegio hace licita la Represalia en Londres, y la constituye en Madrid culpable.

Tantas veces se declama en la referida publicacion de Guerra contra las infracciones de los Tratados, que no se puede ya cellar la sinrazon de las muchas, que han cometido los Ingleses; para que se conozca, que tienen los Espagnoles mas fundados motivos de alegarlas con especialidad desde el Tratado de Utrecht de 1713. pues haviendose obligado en el Artic. XV. à conservar indemnes los derechos que para la Pesca del Vacallao en Terranova,

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Exemptions above Sovereigns being only grounded on her Pride and Fancy.

He also mentions as a motive for a War, that Reprisals were published in these Kingdoms and put into Execution, without any Time being limited. And whereas it is notorious that the *British* King did publish them first on the 10th July, and that immediately three *Biscay* Vessels that were then there were Seized notwithstanding the Clamours of the Inter-ressents, and that those of Admiral *Haddock* stationed on the *Capes* of *St. Mary* and *St. Vincent*, did seize others, it cannot be conceived what obligation should bind his Majesty, which the *British* King doth not acknowledge to be binding to him nor what Privilege make Reprisals lawful at *London*, and illegal at *Madrid*.

In the said Declaration of War, Infringements and breaking of Treaties are so often exclaim'd against that we can no longer be silent and conceal those many committed by the *English*; that it may appear that the *Spaniards* have more solid Motives to alledge, more especially since the Treaty of *Utrecht* in 1713, since they obliged themselves in Art. XV. to keep open to the *Biscayers* and others belonging to this Crown the free Fishery of *Bacalan* in
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competian à los Vizcaynos, y otros Pueblos de esta Corona ; y en el Artic. II.º del Tratado de 1721. à dar las ordenes, que se pidieffen para el cumplimiento de aquel, aun oy permanecen despojados de lo que tan legitimamente les corresponde. Lo mismo sucede con el Artic. X. del mismo Tratado de Utrecht ; pues obligada en el la Inglaterra à no dar asylo, ni entrada en Gibraltar à Embarcaciones de Guerra de los Moros, no solo se ha executado lo contrario con gravissimo perjuicio de S. M. y de sus Vassallos, sino que aun viniendo acosadas de los Españoles, han hallado en su Artilleria seguridad, y abrigo ; para bolver desde alli mas facilmente con la immediacion, à insultar las Costas, y à interrumpir el Comercio. Del mismo modo se ha saltado à este Artículo en las extensiones pretendidas, y aun practicadas, que se limitan en el ; y assí, aviendose cedido esta Plaza *sin Jurisdiccion alguna territorial, y sin comunicacion alguna abierta con la Region circunvecina de la parte de tierra*, Solicitaron que debia comprehenderse su dominio hasta el tiro del Cannon ; y no obstante, que se convino en el anno de 1728. en dexar desamparados reciprocamente los puestos sobre que se formò la disputa, que eran, uno enfrente de la Torre de Ginoveses, otro arrimado al Monte debaxo del Pastelillo, y otro à la parte de Levante, poco apartado del Monte

New-foundland, and in the Treaty of 1721. *Artic. II.* they would give Orders if it should be demanded that the same should be complied with, nevertheless they remain still deprived of what so justly belongs to them. The same happened as to *Artic. X.* of the same Treaty of *Utrecht*, since *England* has obliged herself thereby not to grant in *Gibraltar* any Refuge nor Entry to any armed morish Vessel, but not only the Contrary has been practised, to the greatest Prejudice of His Majesty and his Subjects, but even being chased by the *Spaniards*, have found Security and Protection under their Artillery, in order to run out from thence the easier and directly, to insult the Coasts and interrupt the Trade. In like manner this Article has been broke into by a pretended extension, which is still kept up, tho' limited in the first Article. For whereas this Place was given: without any Territorial Jurisdiction, and without any Communication with the circumjacent Country on the Landside, yet they pretended, that the Territory as far as their Guns can reach, ought to be comprehended and altho' in the Year 1728, it was agreed, to abandon the disputed Places on both Sides, which were, one over against *la Torre de Génoveses*, an other close to the Mount under the so called *Pastelillo*, and an other towards the East not far from the

Monte, y à corta distancia de la Torre del Diablo, los han ocupado despues, sin atender al ajuste, ni considerar el agravio. Y no es solo este faláz proceder, el que se ha experimentado en punto de esta Plaza; pues haviendo el difunto Rey de Inglaterra Jorge I. en Carta de $\frac{1}{12}$ de Junio de 1721. ofrecido à S. M. la restitucion; no obstante haver sido esta promessa un medio condicional de concluir el Tratado entonces pendiente, y que se firmò en Madrid el dia 13. de aquel mes, ni se campliò como era justo, ni aprovecharon instancias, ni reconvençiones para ello. Pondrase aqui la Carta reducida à nuestro Idioma, para no dexar la meno duda en todo el hecho.

Senor mi hermano: He sabido con extrema satisfaccion, por medio de mi Embaxador en essa Corte, que V.M. està por fin en la resoluçion, de quitar los obstaculos, que por algun tiempo han dilatado el entero cumplimiento de nuestra union: Y respecto de que por la confianza, que V. M. me manifiesta, puedo contar como restablecidos los Tratados, sobre que se ha disputado entre nosotros, y que por consecuencia se havràn explanado los Instrumentos necessarios al Comercio de mis Subditos no me detengo ya en assegurar à V.M. mi
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Mount, and at a small distance from the *Torra del Diablo*; nevertheless, they have since possessed themselves thereof, without minding what is just, nor considering what is wrong. And this is not the only false Proceeding which has been shewn in respect to this Place, since the late King of *England*, *George I*, by a Letter of the *1st June 1721*, did offer to his Majesty the Restitution thereof; and though this Promise was made a conditional Article to conclude a Treaty which then was depending, and which was agreed to at *Madrid* on the *13th* of the said Month; yet it was not fulfilled as it was right, neither have any Sollicitations nor Representations since that time been of service. Here is the said Letter translated into our Language, that we may not leave the least doubt of the whole Passage.

Sir and Brother, I have heard with an extreme Satisfaction, by the means of my Ambassador at your Court, that your Majesty is come to the Resolution at last, to remove the Obstacles which for some time have delayed the entire Establishment of our Friendship; and since by the Confidence which your Majesty declares to me, I can depend upon the Treaties which have been disputed between us, as being now concluded, and that consequently, the necessary Instruments for the Trade of my Subjects have been settled, I do not longer delay assuring your Majesty

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prontitud à satisfacerle, por lo que mira à la restitucion de Gibraltar, prometiendole, que me valdré de la primera favorable ocasion para reglar este Artículo con intervencion de mi Parlamento.

Tambien se ha eludido el Artic. VIII. del Tratado de Utrecht, respectivo à limites en America, no obstante las Ordenes ofrecidas en el II. del de 1721. y assi en el anno de 1724. despues de repetidas instancias sobre la demolicion del Fuerte de la Tamaja, edificado por Ingleses en Territorio indisputablemente de S. M. y de averse convenido, que los Gobernadores de la Florida, y Carolina, se comunicassen las Ordenes, para arreglar esta disputa: haviendo aquel enviado un Oficial con veinte y cinco hombres, y las copias de las de Inglaterra, fueron despojados de sus Armas, encerrados en el Fuerte, y conducidos à los tres dias à la Carolina, donde sufrieron mas rigurosa, è indecente prision. La misma mala fee se observo el anno de 1735. assegurando el Ministerio Britanico à Don Thomas Geraldino, Ministro Plenipotenciario de S. M. en Londres, que Don Diego Oglerhorpe, destinado à la Carolina, llevaba el encargo de arreglar sus limites, en concurrencia, y de conformidad con el Gobernador de la Florida, y fueron tan contrarias las que le manifesto à su arribo, que contenian, que huviesse de poblar todo lo
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of my Readiness to give Satisfaction, as to what concerns the Restitution of Gibraltar, giving you my Promise, that I will make use of the first favourable Opportunity to regulate this Article, with the Intervention of my Parliament.

The 8th Article of the Treaty of *Utrecht* has likewise been eluded, touching the Limits in *America*, notwithstanding the Orders that were offered in the 2d Article of that in the Year 1721, and likewise in the Year 1724, after reiterated Demands concerning the Demolition of the Fort *Tamaja*, erected by the *English* in a District which unquestionably doth belong to his Majesty, when it was agreed, that the Governours of *Florida* and *Carolina* should communicate their Orders to regulate this Dispute, the first having sent an Officer with twenty five Men, which Troops were, by those of *England*, stripp'd of their Arms, lock'd up in the Fort, and conducted for three Days to *Carolina*, where they endured a rigorous and indecent Imprisonment. The same Deceit was practised in the Year 1735, when the *British* Ministry assured Don *Thomas Geraldino* his Majesty's Minister-Plenipotentiary at *London*, that Mr. *James Oglethorp*, who was appointed for *Carolina*, took an Order with him to settle his Limits with the Concurrence, and in Conformity with the Governour of *Florida*; but they were quite the contrary,

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que lo no estuviéſſe : para cuya execucion paſſo inmediatamente à varios actos de hoſti- lidad, haſta preſentarse con gente armada à viſta del Preſidio de San Aguiſtin : accion muy conforme à la Patente que expidiò el Rey Britanico en $\frac{2}{3}$ de Junio de 1732. en que diſpone de los Dominios de aquel Con- tinente, y aun del Mar, concediendo à la Compannia formada para el eſtablecimiento de la Colonia de la Georgia, quanto no eſtu- viéſſe anteriormente ocupado por Vaſſallos de Inglaterra : ceſſion ex diametro opueſta al Artic. VII del Tratado de 1670. que ex- cluye de ſu derecho, todo lo que en aquel tiempo no tenia, ni poſſeìa; bien que no debe eſtrannarſe eſte deſpotiſmo, pues entre otras uſurpaciones, que ſe han reclamado varias veces por la Eſpanna, no ſe apoya me- jor la del corte del Palo de Campeche, de- fendida con la fuerza, y no con la razon, haſta el exceſſo de arruinar en tres diferentes ſitios al deſgraciado Pueblo de Bacallar, por- que defendia ſiel la juſticia de S. M. y em- barazaba la continuacion del delito.

Supone igualmente el Rey Britanico por cauſa de la Guerra, no haver pagado S. M. en el termino preſinido, que fue el 5. de Junio,

by what he shew'd upon his Arrival, and contain'd Orders that he should people those Places that were uninhabited. For the execution whereof, he proceeded immediately to various hostile Acts, even so far as to present himself with an arm'd Force in sight of the Garrison of *Saint Augustin*; an Action very much like to the Orders which the *British* King did publish on the $\frac{2}{10}$ June 1732, whereby he disposes of the Dominions of that Continent, as well as of the Sea, granting to the Company form'd for the Establishment of the Colony of *Georgia*, all that was not yet before occupied by *English* Subjects. A Grant diametrically opposite to the 7th Article of the Treaty of 1670, which doth exclude from his Right and Pretensions all that he at that time did not hold or possess. However, one ought not to be surprized at this Act of Power, since among other Usurpations, which several times have been reclaim'd by *Spain*, their Right to cut Logwood is not better grounded, which is supported by Force, not by Reason, even to that excess as to ruin in three several Sieges the unfortunate People of *Bacallar*, because they did loyally defend the Right of his Majesty, and were an Obstacle to the Continuation of their Crime.

The *British* King mentioneth likewise as a Reason for the War, That his Majesty had not paid at the prefix'd time, which was on the

Junio, las noventa y cinco mil libras Sterlinas, que se estipularon por resto de las reciprocas pretensiones en punto de Presas, y averse violado assi manifestamente la Convencion, y como quando se publicaron las Represalias en Espanna, se hizo patente la poderosa razon de no haverlas satisfecho, anade el Rey Britanico, que es solamente *un colorido, y pretensiones destituidas de todo fundamento*: arbitrio facil para salir del empenno sin contestaciones; pero que dexa en su fuerza, y vigor lo declarado por S. M. y assi, no dudará la Europa, si lo reflexiona, que se obrò aqui de buena fee; y que si la Inglaterra huviesse hecho lo proprio, se havria reglado, y cumplido todo por el Nivel de la Convencion. No fue otra cosa el desarmar las Esquadras, luego que se ratificò aquella en Londres, el dàr las Ordenes para la Carolina, y el instruir sin dilacion à los Plenipotenciarios, sino una clara manifestacion de la sinceridad, con que se procedia: estos hechos, ni se pueden negar, ni admiten interpretacion; a lo menos, digan los Ingleses si es verosimil, ni cabe en la menos cauta politica, soltar las Armas en la conclusion de una disputa, que precisò à tomarlas, al mismo tiempo que se pensaba bolver à ella, segun se indica? No responderan, ni tendran

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the 5th of *June*, the ninety-five thousand Pounds Sterling, which were stipulated as a ballance of the reciprocal Demands on account of Prizes, and that thus the Convention was manifestly violated. But when the Reprisals were publish'd in *Spain*, a weighty Reason was given, why the same were not paid; the *British* King adds, that it was only a *Colour and Pretences destitute of all foundation*: An easy way to get off from a Charge without Proofs or Contestations, but leaves in its Force and Vigour what his Majesty has asserted; and thus *Europe*, if she considers, will not doubt but we have acted here upon good Faith: And if *England* had done her Duty, every thing would have been regulated, and all settled according to the Level of the Convention. The disarming of the Squadrons as soon as the same was ratified in *London*, the giving Orders for *Carolina*, and sending without delay Instructions to the Plenipotentiaries, were nothing but a clear Demonstration of the Sincerity of our Proceedings. These Facts cannot be denied, neither do they admit of any Interpretation: At least let the *English* say if it is probable, Does it agree with the shallowest Policy, to put up the Sword after the Conclusion of a Dispute, when it is necessary to take it up again, at the same time that one is thinking to return to the same, as it now appears? They cannot answer,

que; pero lo haran sus operaciones, que como contrarias à las referidas, convencen que nunca pensò la Inglaterra en cumplir lo prometido, ni aora tampoco en disfrazar lo mal obrado.

Lo primero que descubre sus siniestros intentos, es la permanencia de las Esquadras del Almirante Haddock en estos Mares, despues de firmada, y ratificada la Convencion; pues aunque no se incluyò en ella en terminos expessos, que se retirassen estas fuerzas, no arguye sencillez en el animo entrar à la amistad con las mismas preparaciones con que el enojo amenazò la Guerra; y mas caminando tan remisso el Ministerio Ingles en la execucion de lo convenido, que en 27 de Marzo resulta de un Papel del Duque de Newcastle de esta fecha, que aun no se avian expedido las ordenes correspondientes à la Carolina.

Pruebase mas la simulada intencion de la Inglaterra con los tres Oficios, que su Ministro Plenipotenciario en esta Corte Don Benjamin Keene, presentò en 17. de Abril. Repitiò en uno lo que pidió en otro de 19. de Febrero; y fue, que se expidiesen Ordenes à los Guarda-Costas de la America, para que cessassen en las depredaciones, y violencias, que cometian, en el interin que duraban

swer, nor have they any thing to say. But their Actions speak, being contrary to what is related, and do convince that *England* never intended to make good what they had promised, nor even to disguise their bad Proceedings.

The first, which discover'd their sinister Intention was, the Squadron of Admiral *Haddock* remaining in these Seas, after the Convention was sign'd and ratified. For though it was not mentioned in strict Terms, that those Forces should withdraw, yet it shews no Sincerity of Mind to enter into Friendship with the same Preparations with which Wrath did threaten a War; and this was farther proved by the slow Proceedings of the *English* Ministry, in the Execution of what was agreed upon; which appear'd on the 27th of *March*, out of a Letter from the Duke of *Newcastle* of that date; that as yet they had not sent the necessary Orders to *Carolina*.

The disguised Intentions of *England* do still clearer appear by the three Memorials, which her Minister Plenipotentiary at this Court, Mr. *Benjamin Keene*, presented on the 17th of *April*. In one of them he repeats what he had desired on the 19th of *February*; which was, *That Orders might be dispatch'd to the Guarda Costas in A-*
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duraban las Conferencias ; y como se respondió en 24. del mismo mes de Febrero ; Que no se les avia mandado que las practicassen, aun durante las passadas diferencias, ni omitido hasta entonces el corregirlas, quando se havian averiguado ; y que procuraria S. M. mantener la buena harmonia, que acababa de afirmarse entre las dos Naciones, sin permitir que passassen sus Vassallos mas allà de lo justo à la seguridad de aquellos Dominios, y su Comercio. Insistia este Ministro en nombre del Rey Britanico, en que pudiendo ser interpretadas estas asseveraciones, y dar motivo por consiguiente à esugios por parte de los Gobernadores, y otros Ministros de las Indias, se embiassen luego Ordenes claras, y precisas para poner fin enteramente à todas las violencias cometidas hasta entonces, y para que pudiesen gozar los Subditos de Inglaterra, durante el tiempo de las conferencias, sin turbacion, ni embarazo la libre Navegacion en los Mares de la America, segun les corresponde por los Tratados, y por el derecho de las gentes. Esta repeticion de Oficios y las Clausulas del de 17. de Abril, que se acaban de trasladar, son un vehemente

merica, that they might cease their Depredations and Violence, which they had committed during the time that the Conferences were carried on. And as he was answer'd on the 24th of the same Month of February, That they had no order to practise the same, even during the last Differences, nor had they ceased till now to punish them, whenever they were examined: And that his Majesty would endeavour to cultivate a good Harmony which was just now confirm'd between the two Nations, without permitting his Subjects to go beyond what was just, and what was requisite for the Security of those Dominions, and the Trade thereof: This Minister, in the Name of the British King did insist, That these Assertions were liable to Interpretations, and consequently would give a handle to Evasions on the part of the Governours and other Ministers in the Indies; that therefore forthwith clear and distinct Orders might be dispatch'd to put an entire Stop to all the Violences hitherto committed, and that the English Subjects might enjoy, during the time of the Conferences, without Disturbance or Hindrance, the free Navigation in the Seas of America, according to the Treaties and the Law of Nations. These Repetitions of Memorials, and

vehemente indicio, de que recelando el Rey Britanico, que diferir los puntos en disputa para las conferencias, seria aventurar el golpe de mano, que se apetecia en los Azogues, Navios de Buenos Ayres, Galeones, o Flota; o bien que dexar, que se recogiesen tantos efectos, seria hacer mas dificiles sus ideas: quiso anticipar la insinuacion de sus pretensiones, para tener, en el caso de que se contextassen, un pretexto de practicar lo mismo, que ha executado despues.

Corroborá este pensamiento otro de los tres Oficios de 17. de Abril, repetición tambien de uno de 19. de Febrero, en que se pedia la restitucion de el Navio la Sarah, su Capitan Jason Vaughan, apresado en 29. de Enero de 1738. pues no obstante, que se aseguró en la Respuesta de 16. de Marzo, que luego que se remitiesen los Autos, se passarian a los Plenipotenciarios, *para que en virtud de lo ultimamente capitulado los examinassen, y decidiesen*, sin atender la Corte Britanica a este justo procedimiento, ni al segundo Artículo, separado de la Convencion en que hablando de los sucesos posteriores al dia 10. de Diciembre de 1737. como es este, se dice; *que la decision del caso, o casos, que puedan acaecer assi, deberá ir a los Plenipotenciarios, por quitar qualquier*

the Clauses of the 17th of *April*, which are translated, are a strong Sign to suspect the *British* King, that keeping these Points in dispute for Conferences, was to venture the Blow, that was intended on the *Azogues*, the *Buenos Ayres* Ships, Gallies or Flota, or that permitting such large Effects to come home would make his Intentions the more difficult, and therefore he would anticipate the Intimation of his Pretensions, to have ready, if needful, a Pretence to practise the same he has since executed.

This Supposition is strengthened by another of the three Memorials of the 17th of *April*, which is likewise a Repetition of one of the 19th of *February*, whereby Restitution was demanded of the Ship the *Sarah*, Captain *Jason Vaughan*, which was made a Prize of on the 29th of *February* 1738. For notwithstanding, by the Answer of the 16th of *March* Assurance was made, that as soon as the Acts of the Proceedings were sent in, they should be delivered to the Plenipotentiaries, *that they according to what was newly agreed might examine and decide the same*; yet the *British* Court (without minding this just Proceeding, nor the second separate Article of the Convention, wherein speaking of the Prizes taken since the 10th of *December* 1737, as this was, it is mention'd, *That the Decision of the Case*

qualquier pretexto de discordia, para que los determinen segun los Tratados : bolyio con nueva instancia, à clamar por la restitution, provocando con el desprecio de lo convenido à menos moderada replica, que la primera, para colorir con ella los insultos premeditados.

Pero lo que del todo convence la simulacion de su conducta, es el ultimo de los Oficios de 17. de Abril, en que renovo el Ministro Britanico la instancia de la aclaracion de las Cédulas, concedidas por S. M. à la Compannia del Assiento para la restitution de los Efectos represaliados ; y la de que se conviniesse en cantidad cierta, por lo que por su importe supone, que ha de haver, antes de pagar las sesenta y ocho mil libras Esterlinas, que debe à S. M. por cuenta liquida del derecho de Esclavos, y utiles del Navio la Real Carolina : y como este punto pide mas prolixo examen, primero que sacar la consequencia del oculto designio, que se va probando ; se hace forzoso, el discurrir sobre las circunstancias, que precedieron à la Convencion, y que bolyia à acalorar el mencionado Oficio.

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or Cases, which might then happen, should be referred to the Plenipotentiaries, in order to remove all pretences of Animosity whatsoever, that they might decide the Matter according to the Treaties;) came in with a new Demand to claim Restitution, provoking, by the Contempt of what was agreed upon, a less mild Reply than the former, only to give a Colour thereby to their premeditated Insults.

Yet what most of all argues the Insincerity of their Conduct, is the last of the Memorials of the 17th of *April*, whereby the *British* Minister renews the Request of the clearing of the Cédulas granted by his Majesty to the *Assiento* Company, for the Restitution of the Effects taken by Reprisals; and that a certain Quantity should be agreed upon, of what the same amounts to, which should be settled before the Payment of the 68000 Pounds Sterling, which she owes to his Majesty upon a liquid Account for the Duty upon Slaves, and other Appurtenances of the Ship the *Royal Caroline*: And whereas this Article requires a more prolix Examination, before entering upon the Consequences of the secret Design, which shall be proved; it is necessary to speak of the Circumstances which preceded the Convention, and which were inflamed by the said Memorial.

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Para entero convencimiento de que la pretension negada à la Compania por lo respectivo à represalias, no puede justificar la conducta, que descubre en el el Ministerio Britanico, basta la reflexion, que ofrece el Artículo III. de la misma Convencion, con un ligero recuerdo de lo que con motivo de el antecedio. Convenida la suma que havia de entregar S. M. para la paga de los creditos, que con titulo de represalias alegaba la Nacion Inglesa contra esta Corona, intento tambien, que se arreglase cantidad cierta del importe, que suponía la Compania deberfela con igual titulo. Resistiólo S. M. y no menos, que se mezclase (como la Compania solicitaba) su figurado haber con el indisputable reconocido debito de las sesenta y ocho mil libras Esterlinas; y viendo el Ministerio Britanico lo justo de una, y otra repulsa, passo à firmar la Convencion, sin insistir en esta circunstancia, con tan absoluto abandono de ella, que conociendo las mal fundadas pretensiones de la Compania, asintió à la declaracion siguiente, como preciso invariable presupuesto de la Convencion.

Don

For an entire and clear Proof thereof, that the Pretension of the Company in respect to the Reprisals, being denied, the Conduct which the *English* Ministry shews therein cannot be justified; the Reflection which the *Third Article* of the said Convention furnishes, is sufficient, with a slight Remembrance of what preceded, and gave occasion to it. When the Sum which his Majesty was to pay, for making good of the Demands, which under the Title of Reprisals were mentioned by the *English* Nation, against this Crown; it was likewise moved, that a Sum certain should be stipulated, of the Amount which the Company pretended was due to her by an equal Right. His Majesty opposed the same, and no less rejected that, as the Company desired, that their supposed and pretended Debt should be blinded with the indisputable and acknowledged Debt of the 68000 Pounds *Sterling*: The *British* Ministry thereupon seeing the Justice of the Denials, proceeded to the signing of the Convention, without insisting on this Affair, abandoning the same so entirely, that knowing the ill-grounded Pretensions of the Company, it gave its Consent to the following Declaration, as entirely unalterable, and previous to the Convention.

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“Don

„ Don Sebastian de la Quadra, Consejero,
 „ y primer Secretario de Estado de S. M. C.
 „ y su Ministro Plenipotenciario para la Con-
 „ vencion, que se trata con el Rey Britanico,
 „ de orden de su Soberano, y en consecuencia
 „ de las repetidas Memorias, y conferencias
 „ que han mediado con Don Benjamin Keene,
 „ Ministro Plenipotenciario de S. M. B. y de
 „ haver convenido en ellas con reciproco a-
 „ cuerdo, en hacer la presente Declaracion
 „ como medio esencial, y preciso, para ven-
 „ cer tan debatidas disputas, y que se pueda
 „ firmar la mencionada Convencion; declara
 „ formalmente, que S. M. C. se reserva in-
 „ tegro el derecho, de poder suspender el
 „ Asiento de Negros, y expedir las ordenes
 „ necesarias a su execucion, en el caso de
 „ que la Compania no se sujete, a pagar den-
 „ tro de un breve termino las sesenta y ocho
 „ mil libras Esterlinas, que ha confesador
 „ deber del derecho de Esclavos, segun la re-
 „ gulacion de cinquenta y dos peniques por
 „ peso, y de los utiles del Navio la Real Ca-
 „ roliná; y igualmente declara, que baxo la
 „ validacion, y vigor de esta protesta, se proce-
 „ dera a firmar la citada Convencion, y no
 „ en otro modo; porque en este firme supu-
 „ esto, y sin que por motivo, ni pretexto al-
 „ guno quede eludido, se ha allanado a ella

“ S.

“ Don *Sebastian de la Quadra*, Counsellor
 “ and first Secretary of State of his Catholic
 “ Majesty, and his Minister Plenipotentiary
 “ for the Convention which is treating with
 “ the *British* King, by Order of his Sove-
 “ reign, and in consequence of the repeated
 “ Arguments and Conferences held with Mr.
 “ *Benjamin Keene*, Minister Plenipotentiary
 “ of his *Britannick* Majesty; and it having
 “ been agreed thereby, with mutual Appro-
 “ bation, to make this present Declaration,
 “ as an essential and necessary Means to o-
 “ vercome those long-disputed Controversies,
 “ and to the end that the said Convention
 “ might be concluded, doth formally declare,
 “ That his Catholic Majesty reserves intirely
 “ to himself, the Right and Power to suspend
 “ the Assiento of Negroes, and to issue out
 “ the necessary Orders for its Execution, in
 “ case the Company doth not submit to pay
 “ within a short time the 68000 *l. Sterling*,
 “ which she has confess'd to owe for Duties
 “ for Slaves, according to the Regulation of
 “ Fifty two Pence *per* Peso, and for other
 “ Matters, on account of the Ship the *Royal*
 “ *Caroline*; and he doth likewise declare,
 “ That under Proviso of the Validity and
 “ Vigour of this Protest, the said Conven-
 “ tion may be proceeded upon to be signed,
 “ and in no other manner. For under this
 “ firm Supposition, and that this shall not
 “ be eluded, under what Reason or Pretence
 “ soever, his Catholic Majesty has consented

„ S. M. C. El Pardo a 10. de Enero de 1739.

„ Don Sebastian de la Quadra.

Aora si que puede inferirse, qual era el animo de la Inglaterra en suscitarse las disputas, que reconocio, al firmar la Convencion, sin defensa; pero mejor en otro Oficio de 4. de Junio, quando arrojando ya la mascara, se nego al Rey la facultad de suspender el Affiento, que fue lo mismo, que burlar la Declaracion, y lo convenido, para precipitar a S. M. al rompimiento, y vestir el que por medios tan obliquos se procuraba con una menos descubierta violacion de la buena fee,

Y si aun no queda bien patente su idea, la acabaran de descubrir las Deposiciones remitidas ultimamente de la Havana de los Marineros de la Esquadra del Almirante Broun, apprehendidos en las cercanias de Bahia-Honda. Declaran estos, que el 10. o 12. de Julio entro en Jamayca un Paquebote, con la noticia de haverse declarado la Guerra, y con ordenes para hostilizar a los Espanoles; en cuya consecuencia salieron el dia 21. a executarlas, habiendo ya apresado antes, y luego que llego el Paquebote, una Goleta, que venia de Cuba con diez mil pesos. No parece, que con este suceso se podra ya dudar todo lo antecedentemente dicho; pues las represalias en Londres no se publicaron hasta 21. de Julio: y siendo forzoso, que para arribar el Paquebote el 10.

“ thereunto. *Pardo*, *January 10th 1739.*

“ *Don Sebastian de la Quadra.*

At present, one may easily conclude what the Intent of *England* was, by raising those Disputes, which she acknowledged, at the signing of the Convention, could not be justified: yet still clearer, by the Memorial of the 4th of *June*, when, pulling off the Mask, the King was denied the Power to suspend the Affiento, which was the same, as making a Jest of the Declaration and of what was agreed upon, in order to force his Majesty to a Rupture, and to colour what was intended, by those indirect ways, that it might not be taken for too bare-faced a Violation of good Faith.

And if as yet their Intent and Aim should not plainly show itself, the Depositions of two Sailors of the Squadron of Admiral *Brown*, that were apprehended near *Bahia Honda*, sent lately over from the *Havana*, will entirely appear. These do declare, that on the 10th or 12th of *July*, there arrived a Packet-Boat at *Jamaica*, with News that the War was declared, and with Orders to commence Hostilities against the *Spaniards*; in consequence whereof, on the 21st they went out to execute the same, having already taken before that time, soon after the Arrival of the Packet-Boat, a *Goleta*, which came from *Cuba* with 10,000 *Pesos*. It does not appear, that by these Proceedings, one may still any ways doubt of what is said before; since the

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o el 12. de este mes a Jamayca, huviesse partido de Inglaterra a lo menos a los ultimos de Mayo, y que la resolucion de despacharle se huviesse tomado anteriormente; se hace innegable, que la Corte Britanica ni observo la legalidad, que requeria la Convencion, ni penso jamas en cumplirla, sino en adormecer a S. M. para prorumpir en coyuntura oportuna a sus dobleces.

Que conocio S. M. anticipadamente estos intentos, y que quiso inutilizarlos con el diffimulo, y con manifestar solo su sincero deseo de arreglarse a lo convenido, lo acredita la moderacion en las respuestas a los Oficios citados; lo que infino el Marques de Villarias, primer Secretario de Estado, y del Despacho a Don Benjamin Keene en el mes de Abril, y ya se toco en la publicacion de represalias, y mucho mas lo que declararon los Plenipotenciarios Espanoles a los Ingleses en la Conferencia de 15. de Mayo, y es como se sigue:

„ El Rey nuestro Amo nos manda expresar a V. S. S. que es muy digno de reparo,
 „ que despues de haverse dado las ordenes al
 „ Almirante Haddoch para su regreso a Inglaterra, luego que se ratifico la Convencion, se le ayan revocado con las de que
 „ permanezca en el Mediterraneo; lo que

„ ar-

Reprisals were not published in *London* before the 21st of *July*; so that it must be necessary that the Packet-Boat, to arrive on the 10th or 12th of the said Month at *Jamaica*, must have sailed from *England* at least the latter end of *May*, and that the resolution of sending her must needs have been taken before that Time. Whereby it is undeniable, that the *British* Court did not observe the Lawfulness which the Convention required, nor had ever a mind to fulfil the same, but rather to deceive his Majesty, in order to break out at a Conjunction favourable for its double Dealing.

That his Majesty knew beforehand these Intentions, and that he endeavoured to defeat the same by dissembling, and by merely shewing his sincere Desire to conform himself to what was agreed upon, appears by the Moderation in the Answers to the alledged Memorials: This the Marquis *de Villadarias*, first Secretary of State and of the Dispatches, gave Mr. *Benjamin Keene* to understand in the Month of *April*, as is mentioned already in the Publication of the Reprisals; but it is shewn much better by what the *Spanish* Plenipotentiaries declared to the *English* in a Conference of *May* 15th, which is as follows:

“ The King our Master has commanded
 “ us to tell your Excellencies, that it is worthy
 “ to be observed, that after having given
 “ Orders to Admiral *Haddock*, for his Return
 “ to *England*, as soon as the Convention was
 “ sign’d,

„ arguye, que ha mudado de intento S. M. B.
 „ y que si el primero fue de seguir lo con-
 „ venido, cabe sin violencia, que sea opuesto
 „ el segundo; por lo que considera S. M.
 „ dichas ordenes opuestas enteramente a la
 „ antigua amistad, que acaba de renovarse
 „ entre las dos Coronas; y la Declaracion
 „ hecha por V. S. S. en nombre de su Sobe-
 „ rano, de que se halla el referido Almirante
 „ con ordenes para no causar la menor ofen-
 „ sa, o inquietud a la Espana, aunque la crea
 „ S. M. no podra persuadirla al Mundo, que
 „ juzga solo por las apariencias; y aunque
 „ este bien acreditado lo infructuoso de estos
 „ medios por la constancia de S. M. a vista
 „ de los Armamentos de Inglaterra, no le
 „ permite su delicado honor, que dexee de
 „ mirar la permanencia de esta Esquadra en
 „ el Mediterraneo, como un obstaculo al lo-
 „ gro del pacifico fin de las Conferencias, im-
 „ possibilitando la conclusion de los Nego-
 „ cios, que deben tratarse en ellas.

„ Ni es menos notable el haverse mandado
 „ prevenir tres Navios para aumentar la Es-
 „ quadra, que esta en Jamayca; pues aun-
 „ que se pretexta, que esta providencia mira
 „ solo, a que aya bastantes Navios en aquella
 „ Isla, con que embiar comboyados, y segu-

“ sign’d, the same were now revoked by o-
 “ thers, ordering him to continue in the
 “ *Mediterranean*. Which shews, that his
 “ *Britannick* Majesty has altered his Inten-
 “ tion ; and if the first was to comply with
 “ what was agreed upon, it follows natural-
 “ ly, that the second is opposite. So that
 “ his Majesty considers these Orders to be
 “ entirely contrary to the old Friendship,
 “ which is just now restored between the
 “ two Crowns. And as to the Declaration
 “ made by your Excellencies, in the Name of
 “ your Master, that the said Admiral has
 “ Orders not to give the least Offence nor
 “ Disturbance to *Spain*; tho’ his Majesty be-
 “ lieves the same, yet he cannot persuade
 “ the World, which only judges by Ap-
 “ pearances, and tho’ it is well known that
 “ these Means are fruitless by the Constancy
 “ of his Majesty at the sight of the *Eng-
 “ lish* Armaments, yet the Delicacy of his
 “ Honour does not permit him to see the said
 “ Squadron any longer remaining in the *Me-
 “ diterranean*, as an Obstacle to the Advan-
 “ tage of a pacifick End of the Conferences,
 “ making the Conclusion of the Matters to
 “ be debated therein impossible.

“ Neither is it less observable, that three
 “ Ships are ordered to augment the Squadron
 “ stationed at *Jamaica* ; for altho’ it is gi-
 “ ven out, that this Precaution only serves,
 “ that there may be sufficient Ships in that
 “ Island, to send Convoys with, and secure

„ ros los de Comercio, que vengan a Europa,
 „ no se hace creible, ni verosimil, a vista de
 „ que en 27. de Marzo, segun un Papel de
 „ esta fecha del Duque de Newcastle, no se
 „ havian expedido aun las ordenes a la Caro-
 „ lina, est ando cangeadas las ratificaciones
 „ desde 4. de Febrero. Y no obstante, que
 „ S. M. tenia un justo motivo de suspender
 „ las Conferencias, todavia para acreditar su
 „ amor a la Paz, y la buena fee con que
 „ cumple lo capitulado, viene en que no se
 „ dilaten; pero almismo tiempo le es preciso de-
 „ clarar, que no debera estranar la Inglaterra,
 „ que se traten los puntos pendientes con la mas
 „ rigida justicia, sin que por parte de S. M.
 „ pueda tener lugar la mas minima condescenden-
 „ cia a la gracia, mientras la Esquadra del
 „ Almirante Haddoch se mantuviere en el Me-
 „ diterraneo. Y ultimamente, que hasta que
 „ esta Esquadra se retire a Inglaterra, y se
 „ mande executar lo propio a las que por mo-
 „ tivo de los disgustos passados se hallaren en la
 „ America; es consequente, que se ofrezcan
 „ poderosos estorvos a S. M. para ajustarse en-
 „ teramente a lo convenido: porque siendo las
 „ demonstraciones de la Inglaterra distantes de
 „ la quietud pactada, no podra S. M. mante-
 „ ner la buena fee con que procede, si no la ex-
 „ perimenta reciproca, y ve deponer las armas,
 „ que es la senal mas convincente de la Paz.

“ the Trade of those that return into Eu-
 “ rope, this is not credible nor probable; since
 “ on the 27th of *March*, according to a Wri-
 “ ting under that Date, of the Duke of
 “ *Newcastle*, there were not yet any Orders
 “ sent to *Carolina*, the Ratifications being
 “ changed on the 4th of *February*. And
 “ altho’ his Majesty had a just Reason to
 “ break off the Conferences, yet to shew the
 “ Love he has for Peace, and his good Faith,
 “ wherewith he fulfils what is agreed, he
 “ is willing that they shall not be delayed:
 “ However, at the same time, it is necessary
 “ to declare, that England must not wonder,
 “ that the depending Points must be treated
 “ with the most rigid Justice; since, on the
 “ side of his Majesty, there is no room for the
 “ least Condescension of Favour, whilst the
 “ Squadron of *Admiral Haddock* continues in
 “ the *Mediterranean*. And lastly, that till
 “ this Squadron goes back to England, and
 “ till Orders for the Execution of what is
 “ needful, to those that by reason of the past
 “ Disgusts are found or stationed in America,
 “ it follows, that powerful and strong Hin-
 “ drances are given to his Majesty, to adjust
 “ entirely what is agreed upon; since the De-
 “ monstrations of England being averse to the
 “ contracted Tranquillity, his Majesty cannot
 “ go on in the good Faith wherewith he pro-
 “ ceeds, if he finds not suitable Returns, and
 “ sees the Armaments laid aside, which is the
 “ most convincing Sign of Peace.”

De este Instrumento, que tanto prueba la recta intencion de S. M. no pidieron copia los Plenipotenciarios Ingleses, que es muy notable descuido, imposible en su advertencia, y muy propio de la instruccion con que se hablaban, y de la torcida fee con que se procedia. Y no obstante, que assi se comprehendio entonces, aun espero S. M. a que mudasse la Corte Britanica de conducta, en fee de las seguridades dadas repedidas veces a Don Benjamin Keene por el Marques de Villarias, de que como se retirasse a Inglaterra la Esquadra del Almirante Haddoch, inmediatamente se dispondria la satisfaccion de las noventa y cinco mil libras Esterlinas; pero viendo en el enunciado Oficio de 4. de Junio el empeno en abrigar la injusta resistencia de la Compania a la paga de las sesenta y ocho mil libras, la Esquadra de Haddoch en Gibraltar, las afectadas lentitudes de los Plenipotenciarios Ingleses en abrir las Conferencias, y despues de abiertas un absoluto desenfreno, y inversion del patente literal sentido de los Tratados en sus pretensiones; no se resolvió S. M. a satisfacer las noventa y cinco mil libras Esterlinas, estipuladas en la Convencion; assi porque infringida esta por el Rey Britanico, no se considero obligado

Of this Instrument, which so strongly proves the upright Intention of his Majesty, the *English* Plenipotentiaries demanded no Copy, which is a most notorious Negligence; which is impossible not to be taken notice of, and very proper for the Instructions they were provided with, shewing the evasive Faith of their Proceedings. And notwithstanding that it was thus look'd upon at that time, yet his Majesty hoped that the Court of *Great Britain* would alter its Conduct, because of the Protestations which were several times made to Mr. *Benjamin Keene* by the Marquis de *Villadarias*, that as soon as the Squadron of Admiral *Haddock* should sail back to *England*, immediately Satisfaction should be made for the 95000 Pounds *Sterling*. Yet observing, in the mentioned Memorial of the 4th of *June*, the Endeavours to screen the unjust Opposition of the Company to the Payment of the 68000 Pounds, the Squadron of Admiral *Haddock* continuing at *Gibraltar*, the affected Slowness of the *English* Plenipotentiaries to open the Conferences, and after they were opened, an absolute Unbridledness and Inversion of the open and literal Sense of the Treaties, in their Demands, his Majesty resolved not to pay the 95000 Pounds *Sterling* agreed to in the Convention; not only because the same being broke by the *British* King, could not be consider'd as binding and obliging his Majesty, but also because it would be an unbecoming and culpable Condescension, to give the
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do S. M. como porque fuera culpable indecorosa condescendencia, dar armas a unos ya casi declarados enemigos, sin esperanza alguna, segun las demostraciones suyas, de que corrigiese esta nueva bondad su interminable ambicion.

Bentados estos hechos, y las fuertes ilaciones que facilitan, aun no se vale S. M. de su apoyo para justificar los ulteriores Actos, que han sido consecuencias de aquel enlace; porque se publicaron antes en Inglaterra, y que declaro la Guerra, porque la declararon antes los Ingleses, considerando esta razon por potissima para no ser responsable delante de Dios, ni de los hombres de los estragos funestos, que ocasiona el furor de las Armas; y conociendo, que los motivos antecedentes a este estremo, dexaron de serlo desde que por la Convencion se acordo el ajustarlos amigablemente. En cuyo supuesto se evidencia, que el pretextarlos el Rey Britanico para el rompimiento, es disfrazar con apariencias la caprichosa irregularidad de sus Vassallos, y precision de condescender a ella; y que el no usar S. M. de tantos, tan poderosos, y descubiertos fundamentos de su ultima determinacion, sino para hacer patente la verdad, es arreglarse a la acertada conducta de no enganar a la Europa con el fin de turbarla, que es lo contrario que solicita la Inglaterra.

Weapons into the hands of an almost declared Enemy, without any hopes, according as it appeared by their Proceedings, that this new Kindness would stop their boundless Ambition.

These Facts being set forth, and the strong Inferences that prove the same, his Majesty doth not think it necessary to justify his farther Proceedings that are the Consequences thereof; since it is evident that he proclaimed the Reprisals, because they were proclaimed before in *England*; and that he declared War, because the *English* did declare the same before; considering this as the most convincing Argument, that he is no ways answerable neither before God nor Men, for the dismal Slaughters and Destructions which the Fury of the War occasions. It being apparent, that the Motives preceding the last, ceased to be so, when by the Convention it was agreed to adjust the same in an amicable manner. This being supposed, it is evident, that the *British* King alledging the same, is only to colour with an outward Shew, the capricious Irregularities of his Subjects, and a Necessity to condescend thereto. And that his Majesty does not make use of so many weighty and known Arguments for his last Determination, but only to lay the Truth open, and to conform himself to a just Conduct, not to impose upon *Europe* with an Intention to disturb the same; which is the Reverse of what *England* attempts.

T H E E N D.

